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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,638	09/29/2003	Robert D. Foxwell	51449-00610	4695

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EXAMINER

SALDANO, LISA M

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/674,638	Applicant(s) FOXWELL, ROBERT D.	
	Examiner Lisa M. Saldano	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/29/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure, specifically line 9, is objected to because it contains form and legal phraseology such as "said." Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 1, 2, 5 and 13 are objected to because of the following informalities:

Regarding claim 1, lines 8-9, the applicant recites limitations in relation to the "transverse width of said recesses." However, this seems to indicate a rather small width associated with the width of the recess itself. It appears that the applicant intends to recite those limitations in relation to a transverse width measured from the outermost edge of a first recess to the outermost edge of a second recess opposite the first recess. Please review and reword the claim as necessary to more clearly and accurately claim the invention.

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Regarding claim 2, page 26, lines 5-6, the applicant refers again to a transverse width of said internal recesses. Please see the objection made above with regard to claim 1 and reword as necessary to more clearly and accurately claim the invention.

Regarding claim 5, lines 3-4, the applicant recites limitations directed to "cross brace beams [that] are telescopable but fixed against telescoping movement on said ramp." The claim language appears contradictory. Please review and reword the claim as necessary to more clearly and accurately claim the invention.

Regarding claim 13, line 1, the applicant recites limitations directed to "The bracket of claim 11." It appears that the applicant intended to claim *The ramp of claim 11*. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crifase et al (6,327,990) in view of Smith (5,449,247) and further in view of Van Gijssel et al (6,290,426).

Regarding claims 1, 8 and 11, Crifase et al disclose a boat landing apparatus that functions as a watercraft ramp comprising at least a pair of roller frames or elongated channel rails 20 in a roller assembly 10 (see Fig.1). The roller frames form internal recesses defined by space of the interior of the frame. The walls of the roller frame form a longitudinal slot for access into the interior of the frame. Crifase et al also disclose hull support assemblies comprising at least one roller 18.

However, Crifase et al fail to disclose that the rollers may be slidably attached to the elongated channel rails. Crifase et al also fail to disclose that the transverse width of the slot is narrower than the transverse width of the recess. Crifase et al also fail to disclose a winch assembly for the invention. Crifase et al fail to disclose tiltable hull rollers.

Smith discloses a boat mooring station that may also function as a watercraft ramp. The boat mooring station comprises roller arm assemblies 54, a cross arm 44 and U-bolts that attach a cross arm to an elongated frame member of the boat mooring station. Smith teaches that the location of the roller arm assemblies may be slid to varying positions along the lengthwise frame member to adjust for various boat bottom configurations.

Regarding claim 6, Smith discloses a winch assembly 88 at a stop end of the mooring station.

Regarding claim 7, Smith discloses a keel roller 70 mounted away from the shore end of the mooring station.

Regarding claims 9 and 14, Smith discloses tiltable hull rollers 56 on an axle 54 (see column 3, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Crisfase et al's boat landing apparatus to incorporate slidably mounted rollers because, as taught by Smith, they allow the invention to be adjusted to accommodate various boat bottom configurations. Furthermore, it would have been obvious to also incorporate a winch assembly as a device to facilitate transfer of the watercraft or boat from water to the mooring station. Moreover, it would have been obvious to apply Smith's teaching of tiltable hull rollers to Crifase et al's invention because the tilt arm provides for the invention to accommodate boats or watercraft with various bottom configurations.

Van Gijssel et al disclose a threaded rod and strut connector and method that may be used generally in the construction industry (see Figs. 1-4).. Van Gijssel et al disclose that the rod and strut connector enables the rod to be quickly and easily attached at any adjusted position along the strut or axially adjusted. Van Gijssel et al disclose a mounting bracket 10 and a fastener 16 for fixing the bracket to a channel rail 18. The fastener 16 is further used to fasten other items to the channel rail. Van Gijssel et al also disclose a locking part 12 that is movable through a slot formed at the top of the rail at any desired location along said rail slot. Van Gijssel et al also disclose a stabilizer part 62 to maintain alignment of the bracket in the wall.

Regarding claim 2, Van Gijssel et al disclose a transverse plate 30 with stop members 35,36 (see Fig.1). The plate is configured such that it abuts against the inside surface of the rail 18 when it is transversely oriented in the rail.

Regarding claim 3, Van Gijssel et al disclose a stabilizer part 62 that comprises a flange.

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Regarding claims 4, 12 and 13, Van Gijssel et al disclose border flanges 24,25 and lip flanges 26,27 whereby the locking part 12 engages stop members or locking protrusion of the plate 30 (see Fig.3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Crifase et al's boat landing apparatus to incorporate the slidable connector, as taught by Van Gijssel, to provide slidingly mounted rollers because the variable nature of the invention so modified allows the invention to accommodate boat or watercraft bottoms with varying bottom designs or configurations.

Furthermore, regarding claim 5, Crifase et al disclose that the roller frame 20 has openings 30 in the cross member 12 that provide for adjusting the width of the boat landing apparatus. The cross members are fixed against telescoping movement on the boat landing apparatus.

Regarding claim 10, although Crifase et al, Smith nor Van Gijssel et al disclose a second pair of elongated channel rails, the addition of another set of rails is a design choice. Merely adding another pair of rails is well within the scope of inventions suggested by the aforementioned references.

6. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crifase et al as modified by Smith and Van Gijssel et al, in further view of Young (3,146,599).

Crifase et al, Smith and Van Gijssel et al disclose the inventions as described above.

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However, Crifase et al, Smith and Van Gijssel et al fail to explicitly disclose the nature or packing and shipping the components of the invention. They also fail to disclose the weight of the cartons that may be used to ship the inventions.

Young discloses a carton C comprising unassembled components of a boat ramp wherein the components are nested or cradled and packaged in a spatially efficient manner.

It would have been obvious to one of ordinary skill in the art to provide packaging and efficient nesting of components, as taught by Young, for shipment of the unassembled watercraft supporting assembly, as taught Crifase et al modified by Smith and/or Van Gijssel et al, because it would be a convenient and cost effective manner to ship the assembly.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms


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